

Exhibit C

From: Patrick Strawbridge patrick@consovoymccarthy.com
Subject: SFFA v. UNC: discovery matters

Date: December 16, 2016 at 3:57 PM

To: Scudder, Michael Y michael.scudder@skadden.com

Cc: Thomas McCarthy tom@consovoymccarthy.com, Michael Connolly mike@consovoymccarthy.com, Bryan Weir bryan@consovoymccarthy.com, Tulchin, Matt (MTulchin@ncdoj.gov) MTulchin@ncdoj.gov, Combs, Marianne H Marianne.Combs@skadden.com



Mike:

Following up on our call from earlier this week, I write to update you on several outstanding issues:

1) To settle some confusion on the call, we understand UNC's current position to be that it will produce one additional year of (post-complaint) individual applicant data. If this is correct, SFFA continues to believe that this proposal is insufficient, particularly in light of *Fisher II*'s explicit statement that three years of data is not enough to evaluate whether a particular race-based admissions program satisfies strict scrutiny. SFFA renews its request for a total of six years of data (the same amount that Harvard was ordered to produce)--the bulk of which should be pre-complaint. We are happy to discuss further is helpful, but if UNC is unwilling to adjust its three-year proposal, we will proceed with motion practice.

2) Relatedly, we understand UNC to be refusing to produce any aggregate data from its admissions database, except for existing, generated reports from the prior seven years' admissions classes. In an effort to assess your claims of burden, we ask that UNC tell us whether it has in its possession the data necessary to produce the TYPE OF information set forth in the attached spreadsheet (or a subset of/similar data) --if it were ordered to do so. If you have any questions about the meaning of these categories, please let us know.



UNC Aggregate
data w...et.xlsx

3) With respect to your Monday letter regarding UNC's requests, we are not persuaded by your assertions the privilege is narrow or that the materials you seek are relevant for a membership organization like SFFA. We believe UNC's requests are overly broad and not well-founded, and we will vigorously oppose any effort to compel disclosure of non-public information regarding SFFA's inner workings, communications, and financing efforts (including by appeal to the Fourth Circuit and Supreme Court, if necessary)--especially to the extent they seem designed to harass our client and its members, rather than advance legitimate issues. The District of Massachusetts barred similar broad discovery requests in the parallel Harvard litigation, and standing challenges in prior cases involving the use of race in college admissions have routinely failed.

All this said, we do have some follow-up questions about your positions regarding redactions and other adjustments to your request, and to discuss information we are willing to provide with respect to the individual members upon whom we are relying for standing. We are generally available in the afternoon on Monday, Dec. 19, or Tuesday, Dec. 20, if those times work for you.

4) We will respond to your new document requests and interrogatories within the time allotted under the rules.

5) We expect SFFA will begin taking depositions in late January. We will be back to you shortly with some proposed people and dates.

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DOMESTIC APPLICANTS ONLY

Separately for each gender, early or regular admission, in-state/out-of state and year combination
Ideally also including varsity athletes and legacies and again excluding varsity athletes and legacies

		African Americans		Whites		Hispanics		Asian Americans		Missing Race		All Others	
		Share of African Americans	Acceptance Rate	Share of Whites	Acceptance Rate	Share of Hispanics	Acceptance Rate	Share of Asian Americans	Acceptance Rate	Share of Missing Race	Acceptance Rate	Share	Acceptance Rate
Ranking	Separate indicator for each category												
SAT deciles	1st decile 2nd decile etc.												
GPA quartiles	1st, etc.												
Total		Number of Applicants	Number of Acceptances	Number of Applicants	Number of Acceptances	Number of Applicants	Number of Acceptances	Number of Applicants	Number of Acceptances	Number of Applicants	Number of Acceptances	Number of Applicants	Number of Acceptances